

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

CANDACE FORNESS,

Plaintiff,

v.

MASTERPIECE INTERNATIONAL  
LIMITED, LLC

Defendant.

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Case No. \_\_\_\_\_  
(Formerly Fairfax County  
Circuit Court – Case No.  
2019 02459)

**NOTICE OF REMOVAL**

Defendant Masterpiece International Limited, LLC ("Masterpiece"), by counsel, Carr Maloney P.C., hereby removes this action from the Circuit Court of Fairfax County in Virginia to the United States District Court for the Eastern District of Virginia, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, and in support of such notice, states as follows:

**ORIGINAL FILING**

1. On February 22, 2019, Plaintiff Candace Forness filed a complaint for wrongful termination in the Circuit Court of Fairfax County, captioned *Candace Forness v. Masterpiece International Limited, LLC*, Case No. 2019 02459.

2. Masterpiece was served with a copy of the Complaint on April 30, 2019. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of all pleadings and orders served on Masterpiece are attached as Exhibit 1.

3. Plaintiff's Complaint seeks damages in the amount of \$600,000, including \$250,000 in compensatory damages and \$350,000 in punitive damages. *See* Complaint, attached as Exhibit 1.

**TIMELY REMOVAL**

4. Pursuant to 28 U.S.C. § 1446(b), the notice of removal shall be filed within 30 days after the Defendant is served with “a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based.”

5. Masterpiece was served on April 30, 2019. As such, this Notice is due on or before May 30, 2019. This notice is filed on May 30, 2019 and is, therefore, timely.

**SUBJECT MATTER JURISDICTION, 28 U.S.C. § 1332(a)**

6. Diversity jurisdiction exists when the amount in controversy exceeds \$75,000, exclusive of costs and interest, and where the matter in controversy is between citizens of different states. 28 U.S.C. § 1332(a).

7. As set forth more fully below, this action may be removed to this Court by Defendant Masterpiece because it is a civil action between citizens of different states and the amount in controversy exceeds the sum of \$75,000, exclusive of interests and costs.

**A. Diversity of Citizenship**

8. At the time of the filing of the Complaint and the filing of this Notice of Removal, Plaintiff is a citizen and resident of the Commonwealth of Virginia. *See* Complaint, attached as Exhibit 1, at ¶ 1.

9. At the time of the filing of the Complaint and the filing of this Notice of Removal, Defendant Masterpiece is a Delaware Limited Liability Company with its principal place of business in New York, New York. *See* Complaint, attached as Exhibit 1, at ¶ 2.

10. Therefore, for purposes of diversity of citizenship under 28 U.S.C. § 1332, Plaintiff is diverse from Defendant and the complete diversity of citizenship requirement is satisfied.

**B. Amount in Controversy.**

11. The amount in controversy requirement is also satisfied. In her Complaint, Plaintiff seeks damages in the amount of \$600,000 as a result of her claims against Defendant. *See* Exhibit 1.

12. Given that this amount exceeds \$75,000, the amount in controversy requirement is satisfied. *See* 28 U.S.C. § 1332(a).

13. Accordingly, since there is complete diversity of citizenship between the parties, and the amount in controversy requirement is satisfied, this Court has subject matter jurisdiction over this case, and the matter may properly be removed to this Court.

**GROUND FOR REMOVAL**

14. “[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

15. There is original jurisdiction pursuant to 28 U.S.C. § 1332(a), as detailed above; therefore, this matter is removable under 28 U.S.C. § 1441(a).

16. Because this matter is pending in the Circuit Court for Fairfax County, the United States District Court for the Eastern District of Virginia (Alexandria Division) is the appropriate court to which this matter may be removed as it is the “district and division embracing the place where the [state court] action is pending.” 28 U.S.C. § 1441(a).

**NOTICE TO ADVERSE PARTIES AND STATE COURT**

17. Masterpiece has, simultaneously with the filing of this Notice of Removal, given written notice of its filing to Plaintiff as required by 28 U.S.C. § 1446(d). A copy of this Notice

of Removal has simultaneously been filed with the Circuit Court for Fairfax County, as required by 28 U.S.C. § 1446(d).

18. Masterpiece has complied in all respects with the procedural requirements of 28 U.S.C. §1446 and the Federal Rules of Civil Procedure that govern removal from state court.

### **CONCLUSION**

For these reasons, Defendant Masterpiece International Limited, LLC respectfully requests that the United States District Court for the Eastern District of Virginia assume jurisdiction over the above-captioned action.

Respectfully Submitted,

MASTERPIECE INTERNATIONAL  
LIMITED, LLC  
By Counsel

By: /s/ Joseph B. Greener  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30<sup>th</sup> day of May 2019, a copy of the foregoing *Notice of Removal* was sent first-class mail, postage prepaid, and via email to:

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*Counsel for Plaintiff*

Respectfully Submitted,

MASTERPIECE INTERNATIONAL  
LIMITED, LLC  
By Counsel

/s/ Joseph B. Greener

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